

CADPAC Policy Subcommittee
Judicial Conference of Indiana Judicial Center

Meeting Minutes: February 16, 2007

1. Members present. The following members of the subcommittee were present: June Kramer; Linda Murawski; Judge Thomas Perrone, Chair; Judge Becky Pierson-Treacy; and, Steven Pifer.
2. Staff present. Jennifer Weber, IJC staff attorney.
3. Approval of minutes. Committee members unanimously approved the meeting minutes from August 18, 2006.
4. Client access to records survey. Discussion began with a review of the results of the web-based survey conducted in October, 2006, concerning how courts and programs handle request for records via Rule 24 or trial rule discovery procedures. Committee members did not find significant program deviation from existing Court Alcohol and Drug Program Rules and 42 CFR Part 2 regulations, nor excessive use of discovery as a method of requesting confidential records. Accordingly, Committee members agreed that at this time, no formal policy or rule change would be warranted, based on the survey results. The Committee did determine that detailing Section 24 in a policy format for the forthcoming IJC "Best Practice Manual" might be a sensible vehicle to remind and ensure that programs are complying with, and aware, of all legal routes for the release of confidential client records. Committee members will draft such a policy in the coming months for inclusion in the program best practices manual.
5. Proposed Rule revisions from Certification subcommittee. Subcommittee members next reviewed proposed Rule revisions from the Certification subcommittee concerning transfers under Section 28 commentary, and CSAMS requirements under Section 30. (See Attachment 1).

Committee members discussed the continued diversity of program practices, concerning transfers, and potential avenues for providing further clarification. Committee members unanimously agreed that defining "referrals," in addition to "transfers," would be helpful and proposed a definition for "referrals" as: *A referral between court programs occurs any time after the assessment of the client is complete.*

Committee members discussed that while Certification's proposal to require the CSAMS exam to be taken in the first year of hire and waiving training requirements if the exam is passed during the first year of hire, was novel, but that taking the exam in the first year of employ should be discretionary rather than mandatory and the training was too integral to waive. In the alternative, Committee members proposed allowing the exam to be taken during the first year

of hire, and if passed, reducing only the supervised practical training hours required. This alternative was unanimously approved, and Ms. Weber was instructed to communicate all Policy subcommittee proposed rule revisions in a memo to Certification subcommittee for consideration.

6. Screening for eligibility and fees. Committee members discussed whether a la carte fee structures would best allow programs to provide screening functions to determine a/d eligibility. Members also discussed the difficulties in ensuring all assessments attain a certain degree of quality/reliability. This issue will be of continuing discussion.
7. Juvenile Access to Records: Members, having previously reviewed the Juvenile Alternative Dispositional Guide, a guide for Indiana probation and judicial officers that details county-available alcohol and drug services for juveniles, determined a survey from juvenile judges might be useful. Members outlined what types of information might be beneficial to gather, and Ms. Weber agreed to circulate a draft in the coming weeks.
8. A/D programs & “Court Service” providers: As more programs want to expand offerings for program services, in addition to a/d education classes, fee collections and what type of statutory authorization may or may not be necessary was briefly discussed and all members agreed to continue examining these concerns.
9. Legislative update: HB1617 (ignition interlock devices) The committee, having previously reviewed this bill, was informed that it was scheduled for a hearing in the House Judiciary Committee, and that Rep. Lawson had been informed of the concerns surrounding mandated devices.
10. Determine future meeting dates: February 15, 2008; May 15, 2008; August 22, 2008; Nov. 21, 2008 (corresponding to CADPAC meeting dates) 10am-Noon, IJC offices
11. Adjournment

Section 28. Fiscal Management

(a) The program must have developed and implemented an accounting system with the capability to ensure that financial transactions are thoroughly documented and handled in a uniform and consistent manner.

(b) The program must have a current budget.

(c) The program must have a documented schedule of fees for each certified service and procedures to ensure payments for services.

(d) The cost to the client for all certified services combined that are provided under any one (1) cause number, including the cost of any education services whether they are provided directly, by contract, or by referral, may not exceed the amount permitted under IC 12-23-14-16.

(e) When transferring a case to another court program, a program may charge a client a transfer fee of up to \$100. The receiving program may then charge the difference between the transfer fee and the statutory user fee cap.

(f) The program must have effective cash handling controls and procedures that prevent theft of funds.

(g) Money a program receives from a city or town user fee fund must be used to fund program services in compliance with IC 33-37-8-3. Money a program receives from a county user fee fund must be used to fund program services in compliance with IC 33-37-8-5.

(h) The program must have written policies and procedures that address this section.

Commentary on Section 28(d). The reference to “one (1) cause number” in this section is for the purpose of determining when an individual may be charged the court alcohol and drug program user fee. It is not intended to have any effect on how cases are counted. A program is not required to charge a new user fee on the basis of a client having an additional cause number, but the program may charge an administrative or case management fee for the new cause number in the event that additional services are required such as a new assessment or if compliance reporting will need to go to an additional court.

*Commentary on Section 28(e). If the transferring program has charged more than \$100, the transferring program must refund the amount over \$100 either to the client or the receiving program before transferring the case. **A transfer between court-administered alcohol and drug programs occurs when a client undergoes an assessment by the receiving program.***

Section 29. Personnel Management

(a) The program shall develop and adhere to a written personnel policies and procedures manual, which shall contain at a minimum:

- (1) employment procedures;
- (2) program rules for professional conduct;
- (3) a requirement that staff members adhere to the code of judicial conduct and to a code of professional ethics that is recognized by the Indiana Judicial Center; and
- (4) wages and benefits.

(b) The program shall have a system to verify credentials and qualifications of staff, volunteers, and consultants.

(c) The program shall keep personnel and other records, which contain information necessary to carry out the personnel management function, including but not limited to:

- (1) application or resume;
- (2) credentials, when applicable;
- (3) verification of qualifications, licensure, and credentials, when applicable;
- (4) documentation of program orientation for newly hired staff or volunteers;
- (5) position changes;
- (6) documentation of in-service and continuing education activities;
- (7) documentation of commitment to adhere to ethics requirements; and
- (8) a job description, which shall include, at a minimum:
 - (A) job title;
 - (B) qualifications;
 - (C) credentials, if applicable;
 - (D) duties and responsibilities; and
 - (E) reporting and supervisory responsibilities.

Section 30. Professional Requirements

(a) A program must have written policies and procedures describing staff qualifications **that comply with current rules requirements.**

(b) All professional staff members hired after December 31, 2004, must obtain and maintain a Court Substance Abuse Management Specialist (CSAMS) credential, and will be allowed two (2) years from the date of first hire as a professional staff member to complete the requirements for the CSAMS credential. The Indiana Judicial Center must award the CSAMS credential to each program staff member who provides written evidence of meeting the following minimum requirements:

- (1) Education requirement. A baccalaureate degree from a college or university that is accredited by the Council for Higher Education Accreditation.
- (2) Experience. At least one thousand five hundred (1500) hours, equivalent to nine (9) months of full-time experience in the assessment of people with substance abuse problems. This experience must include developing individual

service contracts or treatment plans.

(3) Supervised practical training. At least five hundred (500) hours of direct supervision in the areas of assessment, referral and case management of substance abuse clients, with a minimum of one hundred (100) hours in the area of assessment of clients. The practical training must be supervised by a person who has at least two (2) years experience in the criminal justice field and one (1) of the following:

- (A) a current CSAMS credential;
- (B) assessment staff status maintained under subsection (e);
- (C) a current **substance abuse certification recognized by the Division of Mental Health and Addiction.** ~~CADAC I or CADAC II certificate from ICAADA or the equivalent credential from NAADAC or ICRC; or~~
- ~~(D) a current ARMS II certificate from ICAADA.~~

(4) Training. ~~Seventy~~ **Sixty-nine (69)** ~~70~~ clock hours of Indiana Judicial Center-approved training within the last five (5) years in substance abuse assessment, referral and case management of clients which must include each of the following:

- (A) twelve (12) hours of criminal justice training or certification as an Indiana probation officer;
- (B) other training, including:
 - (i) twenty-four (24) hours of substance abuse assessment and interview training; twenty-four (24) hours of alcohol and drug specific training; ~~four (4)~~ **three (3)** hours of training in State and Federal laws on confidentiality; three (3) hours of communicable disease training; and three (3) hours of clinical and judicial ethics training; or
 - (ii) a current **substance abuse certification recognized by the Division of Mental Health and Addiction.** ~~CADAC I or CADAC II certificate from ICAADA or the equivalent credential from NAADAC or ICRC; or~~
 - ~~(D) a current ARMS II certificate from ICAADA.~~

(5) Code of ethics. The applicant must submit a signed statement indicating that the applicant understands and will adhere to the CSAMS Code of Ethics and the Code of Judicial Conduct.

(6) Age. The applicant must be at least twenty-one (21) years of age.

(7) Application and written test. The applicant must do the following:

- (A) submit a CSAMS application with all required documentation to the Indiana Judicial Center, Court Alcohol and Drug Program, Attention: CSAMS Credential;
- (B) submit a testing and certification fee of fifty dollars (\$50) in the form of a cashier's check, money order, or claim voucher made payable to the Indiana Judicial Center on or before the date of the test; and

(C) take and pass each section of the CSAMS written test.

~~(D)~~**(c) The test may be taken a maximum of three (3) times during the two years from the date of initial hire as a professional staff member of an IJC certified court alcohol and drug program and will be offered quarterly. A person who fails the test two (2) times shall not be permitted to take the exam again until attending an Indiana Judicial Center approved training in preparation for taking the test a third time.**

(d) An applicant must take the test at least one (1) time during the first year of hire. Applicants passing the test within the first year of hire:

- (1) are exempt from the twenty-four (24) hours of assessment interviewing training required under subsection (b)(4)(B)(i);**
- (2) are exempt from the twenty-four (24) hours of alcohol and drug specific training required under subsection (b)(4)(B)(i);**
- (3) must complete half of the required hours of supervised practical training under subsection (b)(3).**

~~(e)~~**(e)** All professional staff members hired after June 30, 2004, including program directors, must attend a staff orientation program conducted by the Indiana Judicial Center within one (1) year from the date that the staff person is first employed.

~~(d)~~**(f)** A professional staff member hired before January 1, 2005, is not required to obtain the CSAMS credential, but may choose to do so. The Indiana Judicial Center must award the credential to each program staff member hired before January 1, 2005, who provides written evidence of meeting the following minimum requirements:

- (1) Training. The applicant must meet one (1) of the following:**
 - (A) the training requirements described in subsection (b)(4)(A) and (b)(4)(B);**
 - (B) achievement of assessment staff status described in subsection (e) and each of the following:**
 - (i) ~~four (4)~~ three (3) hours of training in State and Federal laws on confidentiality;**
 - (ii) three (3) hours of communicable disease training; and**
 - (iii) three (3) hours of clinical and judicial ethics training.**
- (2) Code of ethics. The applicant must submit a signed statement indicating that the applicant understands and will adhere to the CSAMS Code of Ethics and the Code of Judicial Conduct.**
- (3) Age. The applicant must be at least twenty-one (21) years of age.**
- (4) Application and written test. The applicant must do the following:**
 - (A) submit a CSAMS application with all required documentation to the Indiana Judicial Center, Court Alcohol and Drug Program, Attention: CSAMS Credential; and**
 - (B) take and pass each section of the CSAMS written test.**

Attachment 1

- (C) The test may be taken a maximum of three (3) times and will be offered quarterly.
- (D) Individuals choosing to apply for a CSAMS credential under this subsection must complete the requirements before January 1, 2008.
- (E) An individual who fails the written test may attend additional training provided by the Indiana Judicial Center before retaking the test.
- (F) The Indiana Judicial Center may offer one (1) or more pilot versions of the CSAMS written test prior to January 31, 2005. For any pilot version of the CSAMS test that is offered, the Indiana Judicial Center may accept all passing scores to determine compliance with the testing requirement. If an individual does not pass a pilot test, the pilot test will not count towards the maximum number of times the individual may take the test.

~~(e)~~ (g) A professional staff member who was hired before January 1, 2005, performs client assessments, and does not have a current CSAMS credential must have assessment staff status as follows:

- (1) The staff member must provide the program with written evidence of at least one (1) of the following:

- (A) a baccalaureate degree in a behavioral science and thirty (30) hours of alcohol/drug specific training, and thirty (30) hours of assessment/interviewing training;
- (B) the equivalent of two (2) years of full-time paid experience in the human service area and thirty (30) hours of alcohol/drug specific training, and thirty (30) hours of assessment/interviewing training; or
- (C) a current **substance abuse certification recognized by the Division of Mental Health and Addiction.** ~~certificate from the Indiana Counselors Association on Alcohol and Drug Abuse as a certified alcohol and drug abuse counselor or the equivalent certificate from NAADAC or ICRC.~~

- (2) Individuals will be allowed one (1) year cumulatively as an assessment staff person to achieve assessment staff status.

~~(f)~~ (h) Continuing education.

- (1) Each professional staff member must document the following continuing education for each calendar year:

- (A) twenty (20) hours of substance abuse or case management training;
and
- (B) five (5) hours training related to issues specific to the criminal justice system.

- (2) To maintain a CSAMS credential or assessment staff status, a professional staff member must document compliance with subdivision (1) for each calendar year after the year in which the CSAMS credential or the assessment staff status was obtained.

Attachment 1

(3) Each program director must:

- (A) approve and maintain documentation of the continuing education hours in the staff member's personnel files; and
- (B) no later than February 1 of each year, notify the Indiana Judicial Center of any staff member who failed to fulfill continuing education requirements for the previous year, the reason for the failure, and the corrective action to be taken.

~~(g)~~ (i) Reinstatement of professional staff members. A person who is no longer employed by a court alcohol and drug program as a professional staff member may allow the person's CSAMS credential or assessment staff status to become inactive for a period of not more than three (3) years. In order to reinstate the person's CSAMS credential or assessment staff status, the person must do each of the following:

- (1) document that the person obtained twenty (20) hours of substance abuse or case management training and five (5) hours of criminal justice training within the year prior to being rehired as a professional staff member; and
- (2) attend a staff orientation program conducted by the Indiana Judicial Center within one (1) year from the date that the person resumes employment as a professional staff person.

Commentary on Section 30(b). The CSAMS credential is intended to provide a standard for competence and professional status. The CSAMS test will contain a section that is specific to working for a court program, a section that tests substance abuse knowledge, and a section related to conducting assessments and referrals. No other credential is designed to address knowledge of the Rules for Court-Administered Alcohol and Drug Programs.

Commentary on Section 30~~(e)~~(e). Administrative staff members are encouraged to attend staff orientation.

Commentary on Section 30~~(d)~~(f). The CSAMS credential is not mandatory for any court program staff hired before January 1, 2005. However, in recognition of the fact that many court employees will want to obtain the CSAMS credential in order to establish that they meet this new uniform standard of competency, the Indiana Judicial Center provides a procedure in this subsection for individuals to obtain the CSAMS voluntarily. The Indiana Judicial Center encourages supervising judges to acknowledge the efforts of staff members who choose to meet this standard, by adopting appropriate incentives or rewards.

Commentary on Section 30~~(f)~~(i). A professional staff member must provide the program director with evidence of completion of the continuing education requirements. An individual who is no longer employed by a court alcohol and drug program, but who is documenting continuing education in order to maintain a CSAMS credential or assessment staff status shall do the following: (1) maintain records documenting

Attachment 1

compliance with continuing education requirements from the time that the person leaves the employment of a court program until the time the person resumes working for either the same or a different court program; and (2) provide the documentation to the director of the court program that is hiring or rehiring the staff member.